

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Khromykh *et al.*  
Appl. No.: 10/577,866  
Filed: October 3, 2006  
For: WEST NILE VIRUS VACCINE

Confirmation No.: 2237  
Group Art Unit: 1648  
Examiner: Agnieszka Boesen

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RULE 37 C.F.R. § 1.132 AFFIDAVIT  
of  
Alexander A. Khromykh and Roy Hall

We, Alexander A. Khromykh and Roy Hall, do hereby declare and say as follows:

1. We have each read and understand the patent application of Khromykh *et al.*, Application No. 10/577,866 entitled WEST NILE VIRUS VACCINE.
2. We are each inventors of the subject matter that is currently claimed in the above-referenced application and authors on the cited reference, Hall *et al.*, *PNAS* 100:10460-64, 2003.
3. We are each in agreement that D.J. Nisbet, K.B. Pham, A.T. Pyke, and G.A. Smith are authors on the cited reference, Hall *et al.*, *PNAS* 100:10460-64, 2003. The aforementioned individuals made no contribution to the subject matter that is currently claimed in the above-referenced application, but worked under our direction. Thus, Hall *et al.*, *PNAS* 100:10460-64, 2003 is the publication of our own work, published less than one year before the priority date of the above-referenced application.
4. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

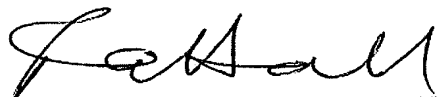
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Alexander A. Khromykh

6.08.08

Date



Roy Hall

19.08.08.

Date